

CALIFORNIA FISH AND GAME COMMISSION NOTICE OF FINDING

NOTICE IS HEREBY GIVEN that, pursuant to the provisions of Fish and Game Code Section 2111, the California Fish and Game Commission (Commission), at its February 4, 2004, meeting in Sacramento, approved the Recovery Strategy for Coho Salmon (*Oncorhynchus kisutch*) developed by the Department of Fish and Game pursuant to Section 2114 of the Fish and Game Code. At the February 4, 2004, meeting, the Commission also announced its intention to adopt, at its February 6, 2004, meeting in Long Beach a written finding.

NOTICE IS ALSO GIVEN that at its February 6, 2004, meeting in Long Beach, the Commission made the following formal finding and statement of reasons for its acceptance of the Coho Salmon Recovery Strategy.

FINDINGS REGARDING COHO RECOVERY STRATEGY

WHEREAS, the Fish and Game Commission received and considered the November 2003 Public Review Draft of the Coho Recovery Strategy (entitled *Recovery Strategy for California Coho Salmon (Oncorhynchus kisutch), Report to the California Fish and Game Commission, Public Review Draft, November 2003*); the Department of Fish and Game's (DFG) responses to comments on the Public Review Draft received at three public meetings DFG held in Santa Rosa, Yreka, and Eureka and during a 21-day public review period in November of 2003 (entitled *Response to Comments on the Draft Recovery Strategy for Coho Salmon, Report to the California Fish and Game Commission, January 2004*); the Coho Salmon Statewide Recovery Team Report to DFG (entitled *Report to the Director, California Department of Fish and Game, from The Coho Salmon Statewide Recovery Team, December, 2003*); and other related documents;

WHEREAS, the Fish and Game Commission met on February 4, 2004 to receive public comments on the Recovery Strategy; consider approval of the Recovery Strategy; consider publication of a notice of intent to amend Section 670.5, Title 14, CCR, to add coho salmon to the list of threatened and endangered species; and consider inclusion of policies to guide DFG's issuance of incidental take authorizations under Fish and Game Code Section 2081, pursuant to Fish and Game Code sections 2112 and 2114; and

WHEREAS, the Fish and Game Commission has considered all relevant evidence, including but not limited to: statements and written materials of DFG and all of the commenters; the November 2003 Public Review Draft of the Coho Salmon Recovery Strategy; and DFG's responses to comments on the Public Review Draft;

THE FISH AND GAME COMMISSION HAS DETERMINED that:

1. The Recovery Strategy includes Alternative C and sections 19 and 20 of Alternative B of the timber management alternatives, as recommended by DFG, as range-wide recommendations for timber management. DFG is directed to revise the Recovery Strategy accordingly.
2. The Recovery Strategy includes, in a separate section of the Recovery Strategy, sections 16, 17, and 18 of Alternative B of the timber management alternatives as policies to guide the issuance of incidental take authorizations under the California Endangered Species Act.
3. DFG is directed and encouraged to continue working diligently with the Shasta Valley Resource Conservation District and Siskiyou Resource Conservation District on incidental take permit applications and to report back to the Fish and Game Commission at a date to be determined.
4. DFG is directed to remove from the task descriptions and recommendations all references to the Marin Municipal Water District and the State Water Resources Control Board Order pertaining to the Marin Municipal Water District.

THE FISH AND GAME COMMISSION FINDS that in accordance with Fish and Game Code Section 2111, the Recovery Strategy meets all of the following criteria.

- (a) The Recovery Strategy would conserve, protect, restore, and enhance the species. The Recovery Strategy sets forth recommendations at both range-wide and watershed levels, including prioritized interim and long-term actions, that when implemented will return coho salmon to a level of sustained viability, while protecting the genetic integrity of both the Southern Oregon – Northern California Coast (SONCC) Coho ESU and the California Central Coast (CCC) Coho ESU, and restore harvestable populations of coho salmon for tribal, recreational, and commercial fisheries.
- (b) The Recovery Strategy and implementation schedule are capable of being carried out in a scientifically, technologically, and economically reasonable manner. The Recovery Strategy is based primarily on recommendations developed and agreed to by the Coho Salmon Recovery Team and the Shasta-Scott Coho Recovery Team. In addition to the recovery teams' recommendations, DFG developed additional recommendations it deemed necessary for recovery at both the range-wide and watershed level. All of the recommendations are scientifically, technologically, and economically feasible. They are based on the current science of conservation biology and ecosystem restoration, and represent proven methods for enhancing and restoring habitat and increasing populations. The fiscal and

socioeconomic costs of implementation are estimated to be about \$5 billion, which may be an overestimate in some ways and an underestimate in others as was explained by DFG. This estimate does not represent new money; most of the actions can be attained by focusing existing federal and state programs through the lens of the Recovery Strategy. The cost, assuming 25 years at minimum, would be \$200 million per year, which in large part already exists in state and federal grant programs.

- (c) The Recovery Strategy is supported by the best available scientific data. The Recovery Strategy is based on the best available scientific data on coho salmon, which includes the data compiled for the Status Review (DFG 2002), and the continuing efforts of DFG to update historical stream data and presence/absence data. This includes data from a number of timber companies that has been provided to DFG. In addition, in developing the Recovery Strategy, DFG considered other information that was provided by Coho Salmon Recovery Team members. New information provided by team members and collected by DFG since publication of the Status Review did not significantly change the body of knowledge with regard to the status of coho salmon populations, nor the type or extent of actions needed to recover this species.
- (d) The Recovery Strategy represents an equitable apportionment of both public and private and regulatory and nonregulatory obligations. In accordance with Fish and Game Code Section 2114, the Recovery Strategy is nonregulatory. With the exception of enforcement of existing laws, the Recovery Strategy is voluntary and emphasizes cooperative, voluntary efforts and incentives. Inclusion of Alternative C and sections 19 and 20 of Alternative B of the timber harvest alternatives as range-wide recommendations for recovery is consistent with this voluntary approach. Inclusion of sections 16, 17, and 18 of Alternative B of the timber harvest alternatives as incidental take permitting guidelines is a permit streamlining measure for implementing existing law, the California Endangered Species Act, for permitting incidental take. The Recovery Strategy recognizes that over 60 percent of the land-base within the range of coho salmon is private. The Recovery Strategy states the importance of supporting working landscapes and acknowledges the voluntary actions and stewardship of landowners. It also recognizes the essential role of public lands, funding, and other resources in recovering coho salmon.
- (e) The Recovery Strategy would recover a formerly commercially valuable species to a level of abundance that would permit commercial use of that species. The Recovery Strategy includes the goal of restoring coho salmon numbers to the point where tribal, recreational, and commercial fishing may occur.

THEREFORE, the Fish and Game Commission approves the Recovery Strategy as described in the November 2003 Public Review Draft and amended by the Response to Comments, dated January 2004, and further revised by the Fish and Game Commission's determinations and direction to DFG as described above.

FURTHER, the Fish and Game Commission authorizes and directs its staff to issue, prior to February 29, 2004, a Notice of Intent to amend Section 670.5 of Title 14 of the California Code of Regulations to add the Southern Oregon-Northern California Coast Coho ESU to the list of Threatened Species and to add the California Central Coast Coho ESU to the list of Endangered Species.

The Fish and Game Commission understands that DFG intends to develop and adopt rules and guidelines to implement these policies pursuant to and in accordance with Fish and Game Code Section 2112, and that DFG will issue a Notice of Intent therefor.

FISH AND GAME COMMISSION

Dated: May 3, 2004

Robert R. Treanor
Executive Director